

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BAKER DC, LLC

Employer

and

Case 05-RC-135621

OPERATIVE PLASTERERS AND CEMENT  
MASONS INTERNATIONAL ASSOCIATION,  
LOCAL 891

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.<sup>1</sup>

MARK GASTON PEARCE, CHAIRMAN

HARRY I. JOHNSON, III, MEMBER

NANCY SCHIFFER, MEMBER

Dated, Washington, D.C., October 23, 2104.

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<sup>1</sup> In denying review, we find that the principles articulated in *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB No. 83, slip op. at 8-9 (2011), enfd. sub nom. *Kindred Nursing Centers East, LLC v. NLRB*, 727 F.3d 552 (6<sup>th</sup> Cir. 2013), are applicable. The requested unit of cement masons is appropriate under those principles, which are entirely consistent with the Board's traditional approach in this industry, given the cement masons' separate supervision, their distinct classification as cement masons, their distinct skills and job functions, and the lack of evidence that employees in other classifications transfer to the cement mason classification on either a temporary or permanent basis. See *Brown & Root Braun*, 310 NLRB 632, 635 (1993); *Dick Kelchner Excavating Co.*, 236 NLRB 1414 (1978)); *R.B. Butler, Inc.*, 160 NLRB 1595, 1600 (1966); *Del Mont Construction Co.*, 150 NLRB 85 (1964).

Member Johnson agrees that the unit is appropriate under the traditional community of interest standard, and thus finds it unnecessary to consider whether *Specialty Healthcare* is applicable here.